

REMARKS

This is a full and timely response to the Final Office Action mailed January 16, 2009. The Applicants have amended claims 1- 4, 6, 8, 11, and 21, as indicated above, and canceled claim 5 without waiver, prejudice, or disclaimer. Upon entry of the above amendments, claims 1 – 4, 6, 8 – 11, 13, and 15 – 23 are pending. The Applicants respectfully request that the application and all pending claims be reconsidered and allowed.

I. Examiner Interview

The Applicants thank the Examiner for the opportunity to discuss the present application via telephonic interviews on March 24 and April 2, during which no agreement was reached.

II. Petition for Extension of Time

Pursuant to 37 C.F.R. § 1.136(a), the Applicant hereby petitions for an extension of time of one month, extending the time for responding to the Final Office Action mailed January 16, 2009 to May 16, 2009. The Applicant submits herewith a Petition for Extension of Time and a credit card payment of \$130.00 for the large entity statutory fee for the one-month extension of time.

III. Rejection Under 35 U.S.C. 101

The Office Action rejects claims 1 – 6, 8 – 10 and 21 – 23 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter. The Office Action alleges that the claims are directed to software per se because “[t]he specification does not include

any description of a computer, processor, or memory.” The Applicants respectfully disagree. The specification, which includes U.S. Provisional Application Serial No. 60/466,509 to which priority is claimed and which is incorporated by reference in its entirety, clearly supports an embodiment of a computer system comprising a collection of integrated computer software implemented by a processing system. The Applicants note at least the disclosure on Page 17 of the above-referenced provisional application, which clearly supports such an embodiment as recited in claims 1 – 4, 6, 8 – 10 and 21 – 23. One of ordinary skill in the art would readily appreciate, based on this disclosure and the entirety of the specification, that a computer system comprising software, memory, and a processing system is fully disclosed.

For at least this reason, the Applicants respectfully submit that claims 1 – 4, 6, 8 – 10, and 21 – 23 are directed to statutory subject matter. Accordingly, the Applicants respectfully request that the rejection be withdrawn and the claims allowed.

The Office Action rejects method claims 11, 13 and 15 – 20 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter for (1) failing to be tied to another statutory class of invention or (2) failing to transform underlying subject matter. The Applicants have amended independent claim 11, as indicated above, to meet both prongs of the *Bilski* test for patent-eligibility of method claims. As amended, claimed 11 is tied to a processing system in communication with a financial transaction network and in which “the transaction data [is] received by a processing system via a financial transaction network.” Furthermore, claim 11, clearly recites that (1) the account data associated with the corresponding financial account is changed based on the aggregated transaction data and that (2) the stored underwriting criteria, which is applied by the

processing system for qualifying new financial accounts, is modified based on the aggregated transaction data. In this regard, the method recited in independent claim 11 is tied to another statutory class of invention and transforms underlying subject matter.

For at least these reasons, the method claims 11, 13 and 15 – 20 are directed to statutory subject matter. Accordingly, the Applicants respectfully request that the rejection be withdrawn and the claims be allowed.

IV. Claim Objections

The Office Action objects to claims 4 and 11 based on certain typographical errors. The Applicants have amended claims 4 and 11, as suggested by the Office Action, to address these informalities. Accordingly, the Applicants respectfully request that the objection be withdrawn.

V. Rejection Under 35 U.S.C. 112, First Paragraph

The Office Action rejects claims 1 – 6, 8 – 11, 13, and 15 – 23 under 35 U.S.C. 112, first paragraph as allegedly failing to comply with the written description requirement. The Office Action alleges that “the specification does not include any description of the claimed invention being performed on a computer or machine.” The Applicants respectfully disagree. As mentioned above in Section III in connection with the rejection under 35 U.S.C. 101, the specification fully describes and supports an embodiment of a computer system comprising a collection of integrated computer software implemented by a processing system. For at least this reason, the claims comply

with the written description requirement and, therefore, the rejection should be withdrawn.

VI. Rejection Under 35 U.S.C. 103

The Office Action rejects all pending claims under 35 U.S.C. 103(a) as allegedly being unpatentable over a combination of two or more references. Claims 1 – 6, 8 – 10, and 21 – 23 are rejected as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0188533 to Sanchez *et al.* (“Sanchez”) in view of U.S. Patent Application Publication No. 2002/0139837 to Spitz *et al.* (“Spitz”) and further in view of an *American Banker* periodical article to Quittner (“Quittner”). Claims 11, 13 and 15 – 19 are rejected as allegedly being unpatentable over Sanchez in view of Quittner. Claim 20 is rejected as allegedly being unpatentable over Sanchez in view of Quittner and further in view of U.S. Patent No. 6,226,364 to O’Neil (“O’Neil”).

The Applicants respectfully submit that the rejections are improper for at least the reason that the Office Action fails to establish a *prima facie* case for combining the cited references. Furthermore, the Applicants respectfully submit that the rejection is improper for at least the additional reason that independent claims 1, 11 and 21 recite features or elements that are not disclosed, taught, or suggested by the cited references, either alone or in combination, as described below in more detail.

Independent claims 1 and 21 are directed to computer systems for managing financial accounts. Claims 1 and 21 recite the features of a transactional processing component, a decision engine, an account management component, and a data aggregation module. The data aggregation module interfaces with the transactional

processing component, the account management component, and the decision engine. The data aggregation module is configured to aggregate process transaction data from a plurality of existing financial accounts and provide feedback information related to the aggregated transaction data to the account management component and the decision engine. As recited in claim 1, the decision engine modifies the qualification criteria based on the feedback information, and the account management component modifies the account data of one or more of the new financial account and the existing financial accounts based on the feedback information. As recited in claim 21, the feedback information related to the processed transaction data is used by the decision engine to alter the underwriting criteria for qualifying further new financial accounts, and used by the account management component to alter the account data associated with at least one of the existing financial accounts.

Independent claim 11 is directed to a method for managing financial accounts. Claim 11 also recites the feature of aggregating transaction data from a plurality of existing financial accounts. The aggregated transaction data is used to modify services provided to a customer associated with the existing financial accounts by changing account data associated with the corresponding financial account. The aggregated transaction data is used to modify the stored underwriting criteria applied by the processing system for qualifying new financial accounts.

None of the references, either alone or in combination, disclose, teach, or suggest aggregating transaction data from a plurality of existing financial accounts and, based on the aggregated data, modifying qualification criteria for qualifying new financial accounts and modifying account data for existing financial accounts. For at least this

additional reason, the Applicants respectfully submit that the rejection of independent claims 1, 11 and 21 is improper and should be withdrawn. Dependent claims 2 – 4, 6, and 8 - 10 (which depend from independent claim 1), dependent claims 13 and 15 – 20 (which depend from independent claim 11), and dependent claims 22 and 23 (which depend from independent claim 21) are also patentable for at least the reason that these claims include all of the elements of the corresponding base claims. Accordingly, the Applicants respectfully request that the rejection of claims 1 – 4, 6, 8 – 11, 13, and 15 – 23 be withdrawn and the claims allowed.

CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1 – 4, 6, 8 – 11, 13, and 15 – 23 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (813) 382-9345.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence, including any items indicated as attached or included, is being electronically submitted to the United States Patent & Trademark Office via the Electronic Filing System on the date indicated below.

Date: May 18, 2009

/Adam E. Crall/

Signature